

**Notice of Public Hearing**  
LSA Document #10-463**Notice of Public Hearing**

Under [IC 4-22-2-24](#), notice is hereby given that on September 24, 2010, at 2:00 p.m. EDT, at the Indiana Government Center South, 302 West Washington Street, Conference Center Rooms 1 and 2, Indianapolis, Indiana, the Department of Child Services will hold a public hearing on a proposed new rule, [465 IAC 2-18](#), to establish mechanisms and procedures the department will use for setting maintenance payments and other payments to foster parents in licensed homes supervised by the department, on behalf of children placed in those homes by the department for foster care.

The proposed rule provides for an annual public hearing and independent contractor study of reasonable costs of caring for a foster child in Indiana, based on requirements and guidelines applicable to Title IV-E of the federal Social Security Act. The contractor will construct a model of maintenance payments for foster children to inform the department in establishing appropriate rates. The rule provides for an assessment of every child using an approved assessment tool to determine the appropriate placement and level of supervision that the child needs, and periodic reassessment of the child during placement. Payments will be based in part on the level of supervision that the child needs as determined by the assessment. The rule also provides a procedure for a foster parent to request and receive, following initial placement and periodically thereafter, a department review of a foster child's approved category of supervision, based on new information about the child's supervisory needs and, where appropriate, a new assessment of those needs.

The department expects that this rule will not impose additional cost or requirements on foster parents, since it does not increase their duties and responsibilities in caring for foster children that are currently in effect under the department's policies and licensing rules.

In compliance with [IC 4-22-2-24\(d\)\(3\)](#), the department advises that it has consulted and utilized information from various sources, including, but not limited to, the following, in determining that the requirements related to payments to licensed foster parents as specified in this rule are necessary and appropriate:

- (1) Title 42 United States Code Sections 672 and 675.
- (2) Guidance relating to allowable costs of maintaining foster children in a home that are claimable for reimbursement under Title IV-E of the federal Social Security Act, as contained in applicable sections of the Child Welfare Policy Manual published by the Children's Bureau of the United States Department of Health and Human Services.
- (3) Report of the Children's Rights organization titled "Hitting the M.A.R.C. – Establishing Foster Care Minimum Adequate Rates for Children" (October 2007).
- (4) United States Department of Agriculture, Center for Nutrition Policy and Promotion, publication titled "Expenditures on Children by Families, 2009," Miscellaneous Publication Number 1528-2009 (June 2010).
- (5) Statutes, administrative rules, and policies relating to payment rates for foster homes in other states, including but not limited to Iowa, Minnesota, Missouri, and Oregon.
- (6) Entry Granting a Preliminary Injunction, filed in the United States District Court, Southern District of Indiana, on January 26, 2010, in the consolidated cases of C.H. et al. v. Payne, no. 1:09-cv-1574-SEB-JMS, and IARCCA v. Indiana Department of Child Services, formerly no. 1:09-cv-1580-WTL-DML (published at 683 F.Supp.2d 865).

Copies of the proposed rule, and any documents described above that the department consulted relating to requirements imposed by this rule, may be inspected and copied at the offices of the department as stated below.

Any interested persons may attend the public hearing and offer comments on the proposed rule. Written statements are encouraged and preferred, and will be included in the hearing record without the necessity for personal attendance at the hearing. Written statements may be submitted before or at the time of the hearing. Questions, comments, or prehearing written statements may be forwarded to the mailing address or by e-mail as follows:

Mail address:

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E-mail address: [residential.rulemaking@dcs.in.gov](mailto:residential.rulemaking@dcs.in.gov)

Copies of these rules are now on file at the Indiana Government Center South, 302 West Washington Street, Room 306 and Legislative Services Agency, Indiana Government Center North, 100 North Senate Avenue, Room N201, Indianapolis, Indiana and are open for public inspection.

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*Posted: 08/25/2010 by Legislative Services Agency*  
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